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OEVR

Practice Guidelines for Voc Rehab Providers



PRACTICE GUIDELINES FOR PROVIDERS

I. INTRODUCTION

The purpose of these guidelines is to help familiarize approved vocational rehabilitation providers with policies and practices established over time by the Office of Education and Vocational Rehabilitation (OEVR).

In addition to the guidelines set forth below, providers should be familiar with the following:

- Massachusetts General Law, chapter 152, sections 1(12), 30E - 30I;
- 452 CMR 4.00 et seq.;
- the Request for Proposals (RFP) issued annually by the department for approval of vocational rehabilitation providers;
- the terms and conditions of the standard state contract for those providers under contract to perform services payable by the Workers' Compensation Trust Fund (as established under M.G.L. c. 152, s. 65(2)(d)); and
- the Code of Professional Ethics for Rehabilitation Counselors.

II. PRACTICE GUIDELINES

A. ROLE OF THE PROVIDER

The role of an approved vocational rehabilitation provider is to service the injured employee and to restore, at a reasonable cost, the injured employee to suitable employment at a wage that best approximates the pre-injury wage.

B. PRESERVING THE INTEGRITY OF SERVICES

To ensure the effectiveness of vocational rehabilitation services, it is necessary to ensure the integrity of the environment in which such services are delivered. This integrity can only be maintained where there is clear understanding as to the purposes of both the vocational rehabilitation services and the approved vocational rehabilitation provider. Consequently, in order to better promote the understanding of all parties and to better assist OEVR in overseeing the performance of each provider, the following guidelines are presented:

a) In all instances, an approved vocational rehabilitation provider must ensure that all services, including all disclosures relating to such services, are provided in a manner consistent with all applicable statutory and regulatory provisions, as well as those requirements set out in the Code of Professional Ethics for Rehabilitation Counselors and the Commonwealth of Massachusetts Licensed Rehabilitation Counselor standards of practice as accepted by the Commission on Rehabilitation Counselor Certification.

b) In all instances in which OEVR has determined that an employee is suitable for vocational rehabilitation, an approved vocational rehabilitation provider shall immediately notify OEVR as to the provider's rendering of any service involving the same injured employee prior to or concurrent with the provision of vocational rehabilitation services. In determining whether the rendering of any service prohibits the provision of vocational rehabilitation services, OEVR will be guided by 452 CMR 4.04(3), which reads as follows:

[C]ertified providers performing any type of claims functions apart from vocational rehabilitation services, including hypothetical labor market surveys and earning capacity evaluations, shall be prohibited from providing vocational services to the same injured employee.

C. OTHER PRACTICE REQUIREMENTS

1. PERSONNEL WHO MAY PROVIDE SERVICES

Only persons approved by OEVR, or under the supervision of a person approved by OEVR, are permitted to provide vocational rehabilitation services under G.L. c. 152 and 452 CMR 4.00 et seq.

2. APPROVAL OF PROVIDERS/REPORTING MATERIAL CHANGES TO OPERATION

Providers are approved by OEVR for a period not to exceed one year. Any material change(s) to the operation of the provider from information submitted as part of the application for approval must be filed immediately with OEVR.

(Requests for approval are accepted year-round but all approvals expire at the end of each fiscal year, which runs from July 1st through June 30th.)

3. REFERRAL OF CASES TO OEVR

Providers are required to ensure, in every instance where liability has been established or where the employee is not able to return to work in a comparable capacity with the pre-injury employer, that each injured employee receiving vocational rehabilitation services from the provider has been referred to OEVR.

(Since an important function of OEVR is to educate injured workers as to all potential rights and responsibilities relating to vocational rehabilitation benefits, it is critical that providers ensure that all such injured workers have been referred to OEVR at the appropriate time.)



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4. INITIATION OF VOC REHAB SERVICES

No vocational rehabilitation services (including, but not limited to: training, job placement and job seeking skills but excluding vocational testing and counseling, transferable skills and job evaluation) may be initiated on a case in which suitability has been determined by OEVR until an Individualized Written Rehabilitation Program (IWRP) has been approved by OEVR.

(Services, excluding those relating to the establishment of a vocational goal, are not to be provided and later included on an IWRP that had not been approved by OEVR. OEVR will facilitate its approval process by use of all available resources, including facsimiles).

5. CONTACT WITH INJURED EMPLOYEE/LEGAL REPRESENTATIVE

The provider is responsible for contacting the injured employee and his or her legal representative following the provider's assignment to the case. Inability to meet with an injured employee or with the injured employee and his or her legal representative following a determination of suitability by OEVR should be immediately reported by the provider to OEVR.

(OEVR can help facilitate participation of all parties when notified by the provider in a timely manner.)

6. CONSENT FORMS/EXPIRATION

Any and all consent forms signed by an injured employee during the course of vocational rehabilitation are to expire upon the termination of vocational rehabilitation services.

(To ensure that the use of consent forms drafted during the course of vocational rehabilitation relates to vocational rehabilitation purposes only, the duration of the consent must not exceed the period of the voc rehab program.)

7. DOCUMENTATION OF CONTACT WITH PRE-INJURY EMPLOYER

Providers must document contact with the former employer to determine whether modified or alternative employment is available.

(Contact with the former employer by either the insurer or provider must be accomplished in all cases in order to ensure the setting of appropriate vocational goals and adherence to the established hierarchy of needs relating to return-to-work.)

8. PRESENTATION OF IWRP

In order to obtain OEVR approval, all IWRPs must set out the rehabilitation plan in a complete, clear and legible manner. All amendments to IWRPs are subject to the same submission requirements as the original plan.

(Since the IWRP is often the centerpiece of a vocational rehabilitation program, IWRPs and all amendments will not be approved by OEVR if, in form or content, they fail to meet accepted professional standards.)

9. SUBMISSION OF IWRP/REPORTS

The provider is responsible for ensuring that all IWRPs, progress and closure reports are submitted in a timely fashion to OEVR, the employee (if pro se, or if otherwise requested), the employee's legal representative and the insurer. It is suggested that IWRPs be submitted within 90 days of initiating vocational rehabilitation services and that progress reports on active cases be submitted every 30 days, or every 90 days if there is an ongoing training program.

(Timeliness and mutual information sharing are key to the delivery of successful vocational rehabilitation services. Consequently, it is the duty of the provider to timely submit all reports to all affected parties.)

10. CASE CLOSURE/NOTIFICATION AND CONSENT

In all cases where suitability has been determined, providers shall immediately notify OEVR whenever any party requests the cessation of vocational rehabilitation services. No such case may be closed by the provider without the express consent of OEVR.

(Requiring OEVR consent on closures not only ensures that the provider and OEVR will work closely together in overseeing the progress of each case but further ensures continuity in instances where such services are to be resumed by the insurer or provided under the auspices of the Workers' Compensation Trust Fund pursuant to s. 30H. Again, OEVR will facilitate its approval process by use of all available resources, including facsimiles.)

OTHER PRACTICE REQUIREMENTS, CONT.

11. MODIFIED EMPLOYMENT/DEVELOPMENT OF IWRP

Vocational rehabilitation services involving placement into modified employment follow the same requirements in respect to the filing of progress reports and development of IWRPs that apply to all cases. When vocational rehabilitation services have been administered to an employee who has returned to employment in a transitional status for thirty (30) or more days following OEVR's determination of suitability, the provider should contact the assigned departmental Rehabilitation Review Officer (RRO) for the purposes of determining the need for an IWRP. No IWRP will be required or approved which does not involve placement into permanent employment.

(Providers are to report the progress of every case to OEVR in thirty (30) day intervals until case closure or as otherwise required in accordance with an approved IWRP developed according to the established hierarchy of employment goals within ninety (90) days of a provider's assignment to the case. Where modified employment will not result in permanent placement, an IWRP for permanent placement must be developed.)

12. REPORTING OF PROVIDER COST DATA FOR VOC REHAB SERVICES

Costs of vocational rehabilitation services are to be calculated from the date of OEVR's initial Determination of Suitability (DOS) and reported to OEVR on Quarterly and Closure reports. Where applicable, the actual or estimated cost of each individual vocational rehabilitation service must be accurately entered on the IWRP.

(Where OEVR requires the reporting of overall cost data, as it does in its Quarterly and Case Amendment/Closure reports, such data should reflect the costs relating to vocational rehabilitation services provided subsequent to OEVR's initial determination of suitability. Where individualized (per service) cost data is otherwise required, as in the IWRP, such data must also be completely and accurately reported.)

13. INCLUSION OF INCIDENTAL EXPENSES IN IWRP/RATE OF REIMBURSEMENT

All incidental expenses necessary to the provision of vocational rehabilitation services shall, whenever possible, be expressly set forth in the IWRP. The rate of reimbursement for the first fifty (50) round-trip miles of related automobile travel shall be no less than the rate reimbursed by the Workers' Compensation Trust Fund (presently \$.25 per mile). All other necessary expenses are to be reimbursed in a reasonable manner.

(All necessary incidental expenses including: travel, training materials and fees [inclusive of mandated insurance requirements] should be addressed in the IWRP or by an amendment to the IWRP.)

14. APPLICATION OF OUTSIDE FUNDING SOURCES

Providers are expected to research and utilize, where appropriate, all available funding sources to assist in the timely provision of vocational rehabilitation services.

(Outside funding sources, including Pell grants, veteran's benefits and various state and federal tax credits, may often serve as additional tools to promote vocational rehabilitation services. Their use is encouraged provided that the implementation of an IWRP is not delayed or otherwise adversely affected.)

15. REPRODUCTION OF OEVR FORMS

Any OEVR form may be reproduced and submitted consistent with all other DIA forms, provided that the reproduction bears precise resemblance to the OEVR form in regard to content and layout.

(Whenever OEVR forms cannot be reproduced onto the type of red/buff paper used by the department, the reproduced document must plainly and clearly indicate 'ORIGINAL' on the top right hand corner of each reproduced page if it is to serve as an original. No matter how the form is reproduced or transmitted to OEVR, OEVR must still ultimately receive the document containing any and all original signatures for placement in the department file.)

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